



## **Development of Amendments to Rules Concerning Classification of Wastewater Treatment Plants and the Examination and Certification of Wastewater Treatment Operators**

LSA Document #06-179

### **Overview**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 327 IAC 5-22 concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. This draft rule is to be presented to the Water Pollution Control Board (WPCB) on November 14, 2007, for consideration of preliminary adoption.

### **Citations Affected**

This rulemaking amends 327 IAC 5-22.

### **Affected Persons**

This rulemaking affects wastewater treatment certified operators, individuals endeavoring to become wastewater treatment certified operators, and owners of wastewater treatment plants.

### **Reason(s) for the Rule**

In 2004, a citizens' petition to the WPCB requested rulemaking action to require a minimum ratio of 10 parts of receiving stream water to one part of treated wastewater effluent (10:1 dilution) to provide sufficient dilution in streams receiving discharges from wastewater treatment plants. The result of the subsequent public hearings held on this petition was a recommendation by the WPCB to initiate a rulemaking concerning operation, maintenance, and management for small wastewater treatment plants. A workgroup was formed to study problems at small wastewater treatment plants. The workgroup met and held discussions through much of 2005 and provided a final report to the WPCB in February 2006. Of the recommendations by the workgroup, one was to make modifications to the existing rule at 327 IAC 5-22 for the classification of wastewater treatment plants and

the examination and certification of wastewater treatment operators. The workgroup determined that a portion of the problems at small wastewater treatment plants, and all treatment plants as well, concerns operator issues. Some of the problems include: (1) an operator being in responsible charge of too many treatment plants or plants at too far geographical distance from one another for the operator to be able to give sufficient attention to the treatment needs of each; (2) operator qualifications and classifications; (3) continuing education; and (4) what constitutes responsible charge of a treatment plant.

While the original citizen's petition focused on small wastewater treatment plants, especially package treatment plants, and their operators, this rulemaking addresses operators of any size wastewater treatment plant and collection system.

### **Economic Impact of the Rule**

Wastewater treatment operator certification and examination is currently required under state law. Amendments to 327 IAC 5-22 were developed through a workgroup process that included representatives of the various certified wastewater treatment operators' associations in Indiana as well as the Indiana Association of Cities and Towns, industrial operators, and training providers. The most significant change from the existing rule is the inclusion of an apprenticeship program to allow an individual to take the wastewater treatment operator's certification examination before fulfilling the education or experience requirements for certification. This change will increase the pool of applicants to become certified operators but will not create fiscal impact for the individual or the wastewater treatment plant employer beyond what

expense may currently be incurred to hire or train a certified operator.

The amendments contain no new fees as IC 13-18-11, established by the state legislature, set the fees that can be collected regarding wastewater treatment operator certification.

### **Benefits of the Rule**

During the workgroup process, the issues of the aging population of certified operators and the lack of new entrants into the occupation were of serious concern. The apprenticeship program for fostering individuals becoming wastewater treatment certified operators was developed in order to address the problem of diminishing numbers of certified operators.

The amendments also address problems that have existed regarding (1) what constitutes technical versus general continuing education courses and (2) the meaning of the term “adequate supervision” regarding a certified operator being in responsible charge of more than one wastewater treatment plant.

### **Description of the Rulemaking Project**

An external workgroup met monthly from March through September, 2006, to discuss issues involved in this rulemaking and develop the rule amendments. The workgroup was made up of IDEM staff and representatives of the various certified wastewater treatment operators’ associations in Indiana as well as the Indiana Association of Cities and Towns, industrial operators, and training providers.

### **Scheduled Hearings**

First Public Hearing: November 14, 2007, at the WPCB meeting held at the Harrison County Courthouse, County Commissioners and Councils Room, Corydon, Indiana.

### **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

- (A) human, plant, animal, or aquatic life; or
- (B) the reasonable enjoyment of life and property.

### **Consistency with Federal Requirements**

No element of the draft rule is required under federal law. 327 IAC 5-22 is authorized under IC 13-18-11.

### **Rulemaking Process**

The first step in the rulemaking process is a first notice posted in the Indiana Register. This includes a discussion of issues and opens a first comment period. The second notice is then posted in the Indiana Register and contains the comments and the department’s responses to comments from the first comment period and the draft rule. Notice of the first hearing on the rule is also posted in the Indiana Register. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule, also known as the draft rule as preliminarily adopted, is posted in the Indiana Register after preliminary adoption. If the proposed rule is substantively different from the draft rule, a third written comment period is required. After notice in the Indiana Register, the second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Legislative Services Agency.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or technical information regarding the wastewater operators’ certification program may be obtained from Debbie Dubenetzky, Compliance Branch Chief, Office of Water Quality, (317) 233-5963 or (800) 451-6027 (in Indiana).

